

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1-21) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially the Examiner objected to the drawings because the "bushing" claimed in claims 11-21 was not shown in the drawings. Rather than revise the drawings, the Applicants have amended claims 11-21 to recite a "cylindrical component" which, as pointed out by the Examiner, is shown in FIG. 3, element 22. Consequently it is believed that the objections to the drawings have been overcome.

The Examiner then objected to the specification as referring to Application Serial No. 10/391,896 which has now issued as U.S. Patent No. 7,232,443. Applicants have amended the specification to refer to the now issued patent and also included a statement that the disclosure of the application is incorporated by reference. Such was requested by the Examiner at the bottom of page 2 of the Office Action.

The Examiner then rejected claims 1-4 and 10 on the ground of non-statutory obvious-type double patenting as being unpatentable over claim 15 of Zander et al. U.S. Patent No. 7,232,443 in view of Simon U.S. Patent No. 6,039,739. Applicant have included with this response a Terminal Disclaimer over U.S. Patent No. 7,232,443. It is submitted that the Terminal Disclaimer overcomes the rejection of claims 1-4 and 10.

The Examiner then rejected claims 11-21 as being indefinite because in line 15 of claim 11 "the recess" lacked antecedent basis. Applicants have amended the claim to refer to the detents.

The Examiner rejected claim 18 as being indefinite because the intramedullary nail in the body of the claim lacked

antecedent basis. Applicants have amended the claim to positively recite that element.

The Examiner rejected claim 19 as being indefinite because it was clear which first and second position was being referred to. Applicants have amended the claim to state that the detent element is either partially within the bore of the cylindrical component or fully within the bore rather than referring to a first and a second position. Applicants believe that this change overcomes the Examiner's objections.

In view of the above discussed claim changes and in view of the Terminal Disclaimer, Applicants believe claims 104 and 10-21 are in allowable form. Applicants acknowledge that the Examiner already indicated claims 5-9 would be allowable if claims 1-4 were placed in allowable form and Applicants believe, therefore, that all of the claims in the application are now in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/694,479

Docket No.: TRAUMA 3.0-448

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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